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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,168	12/13/2001	Michael D. James	GB 000182	3955

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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BRIARCLIFF MANOR, NY 10510

EXAMINER

POWERS, WILLIAM S

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,168

Applicant(s)

JAMES, MICHAEL D.

Examiner

William S. Powers

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/13/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the application filed December 13, 2001.
2. Claims 1-10 have been examined. The independent claims are 1, 8 and 10.

Drawings

3. The drawings are objected to for the following informalities:
 - a. Figures 1 & 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. Applicant describes the figures "as currently known" (page 3, lines 23, 25) in the Brief Description of Drawings. See MPEP § 608.02(g).
 - b. Figure 2 fails to comply with 37 CFR 1.84(p)(4) because reference character "44" has been used to designate both "smart card module" and "cryptographic key information".
 - c. Figures 4 & 5 fail to comply with 37 CFR 1.84(p)(4) because reference character "86" has been used to designate both "radio frequency LAN interface" (figure 4) and "local area network"(figure 5).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet

submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Appropriate correction is required.

Specification

4. The disclosure is objected to because of the following informalities:
 - a. The article "a" and the noun "sets" (page 4, line 13) do not agree.
 - b. The term "demultiplexer 40" (page 4, line 19) is referred to as "multiplexer 40" (page 4, line 23). Examiner assumes that applicant means demultiplexer in both cases.
 - c. The word "date" (page 6, line 7) is incorrect. Examiner assumes that applicant means "data".
 - d. The phrase "of in other" (page 6, lines 8-9) is difficult to understand. Examiner assumes that applicant means "of another".
 - e. The first occurrence of the word "to" (page 7, line 22) needs to be changed to "from".

Appropriate correction is required.

Claim Objections

5. Claims 1, 3 and 10 are objected to because of the following informalities:
 - a. Regarding claim 1, there are two transitional phrases, “comprising” (page 10, line 3) and “comprises” (page 10, line 6), which do not clearly separate the claim preamble, the transitional phrase and the claim body. Examiner assumes that the preamble ends with the phrase “characterised in” (page 10, line 5).
 - b. Regarding claim 6, the word “Claims” (page 10, line 26) should be singular.
 - c. Regarding claim 10, there are two transitional phrases, “comprising” (page 11, line 16) and “including” (page 11, line 17), which do not clearly separate the claim preamble, the transitional phrase and the claim body. Examiner assumes that the preamble ends with the phrase “characterized by” (page 11, line 18).

Appropriate correction is required.
6. Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 6, essentially, reiterates the limitations of claim 1, regarding the transfer of decoding authorization data within a television itself and between a group of networked televisions.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, the article "a" (page 10, line 17) and the noun "cables" (page 10, line 17) do not agree. It is unclear if the network is formed by a singular cable or more than one cable. Examination continues with the assumption that a plurality of cables was intended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 5, 6 and 8-10 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,886,732 to Humpleman in view of U.S. Patent No. 6,038,625 to Ogino et al (referred to as Ogino below).

Regarding claim 1, 6, 8 and 10 Humpleman teaches a digital network with digital televisions that decode digital signals (column 7, lines 29-48), and the ability to view

Regarding claim 1, 6, 8 and 10 Humpleman teaches a digital network with digital televisions that decode digital signals (column 7, lines 29-48), and the ability to view restricted access programming on a digital television of user's choosing by transmitting data over said network (column 10, lines 52-61). However, Humpleman does not explicitly disclose direct communication between digital televisions.

Ogino teaches a peer-to-peer network that comprises smart televisions that have the ability to transmit data with each other over an IEEE 1394 serial communications bus in order "to control one another and obtain information regarding one another" (column 2, lines 55-57). This simplifies the coordination of various audio/visual components that make up a home entertainment network (column 2, lines 59-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the invention of Humpleman with the communications capabilities of Ogino to simplify the coordination of various audio/visual components that make up a home entertainment network (column 2, lines 59-65).

Regarding claim 2, Humpleman teaches a network that distributes digital television signals to television sets (column 3, lines 62-67).

Regarding claim 3, Humpleman teaches a network that uses hybrid coaxial cables as a transmission medium (column 6, lines 53-60). Humpleman further teaches that the cables can transmit analog television signals which are within the RF spectrum (column 3, lines 3-7).

Regarding claim 5, Humpleman teaches that each television has its own decoder (column 7, lines 39-43).

Regarding claim 9, Humpleman teaches demultiplexing the incoming signal into its component parts at the set top electronics for each television (column 7, lines 34-43).

9. Claim 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,886,732 to Humpleman in view of U.S. Patent No. 6,038,625 to Ogino as applied to claim 1 above, and further in view of U.S. Patent No. 6,826,699 to Sun.

Humpleman and Ogino do not specifically teach a security protocol for transmission of data within the local network.

Sun teaches the use of 5C Digital Transmission Content Protocol authentication and key exchange, 5C DTCP AKE (column 6, lines 45-50), that uses an encryption key to verify the legal accessibility to the data transmitted over the local network (column 9, lines 27-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the invention Humpleman and Ogino with the added network security features, as disclosed by Sun, to protect the transmitted data from unauthorized users.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William S. Powers, whose telephone number is (571) 272-8573. The examiner can normally be reached Monday-Thursday from 8 AM – 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (571) 272-3838.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
PO Box 1450
Alexandria, VA 22313-1450

Or faxed to:


(703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (886) 217-9197 (toll-free).


WSP

May 23, 2005


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
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